

# Central Region Review



## U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ DECEMBER 2000 ★

★ REGIONS VI & VII ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions VI and VII. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil> under "Regional Offices." Please contact Diane Faile at 816-983-3444 or e-mail [diane.m.faile@usace.army.mil](mailto:diane.m.faile@usace.army.mil) if you have any questions or to be added to our mailing list.

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### ASSISTANCE INFORMATION

**Kansas Landfills Database.** A comprehensive, interactive database containing information on Kansas solid waste disposal facilities and tipping fees is now available on the Kansas Department of Health and Environment's web site at <http://www.kdhe.state.ks.us/>. The database is administered by the Bureau of Waste Management.

**Missouri Department of Natural Resources (MDNR) Permit Guidance Documents.** MDNR's Technical Assistance Program (TAP) recently revised the *Permit Guidance Document*. The new guide, *Understanding Environmental Regulations and Permits*, is now available from TAP's Information Services Unit. This document is a guide for businesses and other facilities to use when identifying permits they may need from MDNR's Division of Environmental Quality. Also incorporated in this guide are federal regulations and programs that are enforced primarily by the U.S. Environmental Protection Agency (U.S. EPA). New topics include Pesticides, Pollution Prevention, Risk Management Program, Toxic Substances Control Act, Toxic Release Inventory, Tier 2 Reporting, and Universal Waste. Another TAP publication, *Environmental Permits and How To Obtain Them*, outlines individual environmental permits, certifications, registrations, and licenses. It indicates the permit length, processing time, fees, and other permit specific issues. This guidance document can be used in coordination with *Understanding Environmental Regulations and Permits* for detailed guidance information. To obtain these documents, or for individual guidance, please call (573) 526-6627 or (800) 361-4827.

**Deferral of Part 70 Permit Upgrade for Some Sources in Missouri.** If your business operates a perchloroethylene dry cleaner; halogenated solvent cleaning machines; secondary lead smelting facilities (not located at a major source); chromium electroplating and anodizing tanks; or ethylene oxide commercial sterilization and fumigation operations, then you may be eligible to defer upgrading to a Part 70 operating permit until 9 December 2004. These sources are subject to a federal Maximum Achievable Control Technology (MACT) standard. In accordance with a recent action by the U.S. EPA, the Missouri Air Conservation Commission has incorporated deferral of the requirement to have a Part 70 operating permit into the rule requiring operating permits, for some area sources subject to MACT standards. Without this action, these sources would have had to apply to upgrade their operating permit to Part 70 by December 1999. *For further information on this deferral, please contact TAP's Business Assistance Unit at (800) 361-4827.*

## TRAINING INFORMATION

**U.S. EPA Region VII – Environmental Response Training Program (ERTP).** U.S. EPA Region VII is offering the following upcoming environmental response training courses:

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|---|--|
| • Air Monitoring for Hazardous Materials              | <b>22-26 January 2001</b> in <b>Columbia, MO</b>           |
| • Sampling for Hazardous Materials                    | <b>6-8 February 2001</b> in <b>Des Moines, IA</b>          |
| • Introductory Preliminary Assessment Training        | <b>13-14 February 2001</b> in <b>Nebraska</b>              |
| • Introductory Site Inspection Training               | <b>15-16 February 2001</b> in <b>Nebraska</b>              |
| • Environmental Remediation Technologies              | <b>27 February – 1 March 2001</b> in <b>Des Moines, IA</b> |
| • Risk Assessment Guidance for Superfund              | <b>27-30 March 2001</b>                                    |
| • Emergency Response to Hazardous Materials Incidents | <b>7-11 May 2001</b>                                       |
| • Introduction to Groundwater Investigations          | <b>19-21 June 2001</b> in <b>Nebraska</b>                  |
| • Hazardous Materials Incident Response Operations    | <b>9-13 July 2001</b>                                      |
| • Chemical Accident Prevention Auditing               | <b>24-26 July 2001</b> in <b>Des Moines, IA</b>            |
| • Sampling for Hazardous Materials                    | <b>21-23 August 2001</b> in <b>Nebraska</b> .              |

ERTP course information is available at U.S. EPA's Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on the courses being offered, please contact Evelyn VanGoethem at (913) 551-7659, fax to (513) 251-4137, or e-mail [vangoethem.evelyn@epa.gov](mailto:vangoethem.evelyn@epa.gov). On-line registration is available at the Training Exchange's web site.

**U.S. EPA Military Munitions Rule (MMR) Training.** The Army Munitions Work Group, together with major Army command (MACOM) representatives, will bring MMR training to selected installations in Fiscal Year 2000 - 2001. This initiative is designed to provide participating Army staff with seminar style training on MMR implementation, combined with a hands-on, "no fault" MMR compliance staff assistance visit. It is recommended that individuals attending this training first complete the MMR computer-based training course. The MMR training is intended for ammo specialists, range operators, and environmental staff involved in the implementation of the MMR and the supporting U.S. Department of Defense (DoD) policy. Training is scheduled for, among other installations, **Fort Bliss on 4-8 December 2000**. Additional installations are still to be selected. *Please contact your MACOM MMR point of contact (POC) or Tim Alexander ([Timothy.Alexander@aec.apgea.army.mil](mailto:Timothy.Alexander@aec.apgea.army.mil)) for additional information.*

**Eleventh Annual International Workshop on Solvent Substitution and the Elimination of Toxic Substances and Emissions.** This workshop is planned for **11-14 December 2000** in **Scottsdale, Arizona**. The workshop will provide (1) an assessment of solvent substitution techniques/technologies in the workplace and in manufacturing processes, including a session on n-propyl bromide, (2) briefings on new and possibly conflicting regulatory requirements governing toxic emissions and the use of solvents in the workplace, (3) an update on the development of verifiable performance standards, (4) information on innovative techniques/technologies/solvents for coating application and removal, paint stripping, vapor degreasing, precision cleaning and manufacturing, (5) updates on new industry-specific National Emission Standards for Hazardous Air Pollutants (NESHAPs) and compliance with NESHAP regulations, (6) first-hand reports on in-field application/use of solvent substitutes and technologies and putting in place effective management processes, (7) progress report and assessment of initiatives to incorporate pollution prevention/solvent substitution requirements into the DoD and industry acquisition, procurement and supply chain, (8) an update and workshop on useful and free Internet tools to aid in decision making, and (9) a review of technologies and techniques to determine "how clean is clean." There also will be a

special 2000 Solvent Substitution Exhibit and Vendor Workshops. *For more information, please contact Exchange/Monitor Publications & Forums at (202) 296-2814, ext. 26, or fax to (202) 296-2805.*

**Army's Defense Environmental Restoration Program (DERP) Workshop.** The U.S. Army Environmental Center (USAEC) is hosting the Army's DERP 2000 Workshop in **New Orleans, Louisiana**, on **12-14 December 2000**. The central theme, Cleanup – Restoring the Past, Protecting the Future, showcases the military's continued emphasis on sound environmental stewardship and improvement of the Restoration Program. U.S. Army, Navy, Air Force and DoD personnel, as well as members of other federal agencies, are invited to attend this unclassified workshop. Federal contractors, academia, and industry personnel are welcome to attend if giving a presentation of exhibiting technologies. The workshop web site is at <http://aec.army.mil/prod/usaec/er/derp2000/derp.html>. *For further information, please contact Ms. Clare at (703) 390-0654, fax to (703) 391-5876, or e-mail [claret@ttemi.com](mailto:claret@ttemi.com).*

**Texas Natural Resources Conservation Commission (TNRCC) Permanent Pollution Prevention Planning Workshop.** This workshop is scheduled for **13 December 2000** in **Arlington, Texas**. *For more information, please call TNRCC at (512) 239-6326.*

**Land Transfer and Long-Term Management of Contaminated Federal Facilities.** The U.S. Department of Energy's Oakland Operations Office and Office of Science and Technology, with U.S. EPA Region 9, will sponsor this workshop **13-15 December 2000** in **San Francisco, California**. With a focus on the unique policy and technical issues that affect federal facilities, the workshop will engage a wide range of players in the environmental field. Guest speakers will address such topics as land transfer, managing contamination over the long term, liability issues and risk financing, risk-based corrective action, land use and institutional controls, post-closure sampling and monitoring techniques, and geographical information system/information management issues. For more information, please visit the workshop web site at <http://www.pacific-rim.org/calconf/>.

**Annual Hazardous Waste Reporting Workshops.** The Louisiana Department of Environmental Quality (LDEQ) has scheduled a series of Annual Hazardous Waste Reporting workshops to be held in various cities throughout **Louisiana** during **January – February 2001**. For further information, please contact Joyce Metoyer, LDEQ, at (225) 765-0144.

**Pest Management DoD Certification for the U.S. Army.** Pest management certification and recertification courses will be held at **Fort Sam Houston, Texas**, on the following dates:

Certification

**8-19 January 2001**

**26 March – 13 April 2001**

**4 June – 22 June 2001**

**13-31 August 2001**

Recertification

**11-15 December 2001**

**29 January – 2 February 2001**

**26 February – 2 March 2001**

**23-27 July 2001**

**10-14 September 2001.**

*For more information, please contact SSG Kerry McKinley, Academy of Health Sciences, U.S. Army, at (210) 221-6801 (DSN 471), or e-mail [kerrymckinley@amedd.army.mil](mailto:kerrymckinley@amedd.army.mil).*

**Sustainable Design and Development (SDD) Training.** The U.S. Army Corps of Engineers (USACE) will present SDD workshops for USACE Districts and major Army command installation personnel. SDD incorporates the energy concerns of the 1970s with new concerns. These include damage to the natural environment, emissions of greenhouse gases and ozone-depleting chemicals, use of limited material resources, management of water as a limited resource, reductions in waste, indoor environmental quality, and occupant/worker health, productivity and satisfaction. Workshops are scheduled as follows:

- |                               |                                 |
|-------------------------------|---------------------------------|
| • <b>9-11 January 2001</b>    | <b>Kansas City, Missouri</b>    |
| • <b>January – March 2001</b> | <b>Albuquerque, New Mexico.</b> |

*For more information, please contact Jimmy Baggett at (817) 978-2054, ext. 1 for the Texas workshop; Kerry Ingram at (918) 669-7004 for the Oklahoma workshop; and John Bourdo at (816) 983-3236 for the Kansas workshop. A POC for the New Mexico workshop has not been determined. You may also contact one of the following POCs at USACE or Office of the Assistant Chief of Staff, Installation Management: Harry Goradia at (703) 428-6460 or e-mail*

[harry.goradia@hq02.usace.army.mil](mailto:harry.goradia@hq02.usace.army.mil); David Bohl at (202) 761-1497 or e-mail [david.c.bohl@usace.army.mil](mailto:david.c.bohl@usace.army.mil); or John Scharl at (703) 428-7614 or e-mail [scharja@hqda.army.mil](mailto:scharja@hqda.army.mil).

**Spatial Data Standards (SDS) Implementation Workshop.** This workshop will be held at the CADD/GIS Technology Center, Army Engineer R&D Center, in **Vicksburg, Mississippi**, on **30 January – 1 February 2001**. The workshop provides both classroom and “hands-on” instruction concerning implementation of the SDS using commercially available GIS and relational database software. For additional information and to register for the workshop, please go to the “Classes” area on the CADD/GIS Technology Center’s web site at <http://tsc.wes.army.mil>.

**2001 U.S. Army Clean Water Act/Safe Drinking Water Act Workshop.** This is the fifth in a series of workshops the U.S. Army has sponsored to increase comprehension and provide training in the changes, requirements and challenges of both Clean Water Act/Safe Drinking Water Act management and compliance, to all levels of Army personnel. The theme of this year’s workshop, to be held **12-15 March 2001** (FORSCOM installation personnel only on the 12th) in **Charleston, South Carolina**, is “Training for the New Millenium.” The workshop will be presented in the following formats: training sessions; technical and regulatory presentations by subject matter experts; and lessons learned at installations. Proposed topics include Storm Water Phase II, Enhanced Drinking Water Rules, Surface Treatment Water Rules, Privatization, OWS and Spill Plans, Munitions/Range Rule, and Facility Audits. Registration forms, the Workshop agenda, and additional information are available on the Workshop’s web site at <http://westonproject.net:8080/cwa/>. The registration form must be received by 9 February 2001. For more information, please contact Stephanie Parfitt, Roy F. Weston, by faxing to (937) 384-4201 or e-mailing [parfitts@mail.rfweston.com](mailto:parfitts@mail.rfweston.com).

**MDNR Solid Waste Technician Certification and Recertification Courses.** These two courses are recommended for people working in the solid waste field, including consultants, interested state employees, and people working at solid waste disposal areas and solid waste processing facilities. The certification course covers such topics as waste, interpreting and using engineering plans, landfill design, and landfill operation. The certification is valid for three years. That course will be held during **April and September of 2001** in **Jefferson City, Missouri**. Specific dates will be set in early 2001. The recertification class offers the opportunity to meet others in the field of solid waste management and exchange ideas. The class also allows interested parties to learn about any changes in the law or regulations that may affect their work, and to keep up with cutting edge technology in the field. Attending this class is one way to fulfill the requirement for training needed every three years to keep a solid waste technician certification active. A specific date for this class will be determined in early 2001. For further information, please contact Laurie Bobbitt, MDNR, at (573) 751-5401.

**Air Quality Management Course.** The Air Force Institute of Technology (AFIT) is offering a non-tuition, one-week course designed for air quality managers in all Defense Services. The course provides discussions of technical and regulatory issues including compliance, emission inventories and processes, sampling and analysis, permitting, pollution prevention and waste reduction strategy, control technology, NESHAPs, conformity and risk management rules, and ozone-depleting compounds. Upcoming offerings are scheduled for **5-9 February 2001** and **4-8 June 2001**. Registration details, schedule updates and further course information is available on the AFIT web site at [http://cess.afit.af.mil/env\\_531/default.htm](http://cess.afit.af.mil/env_531/default.htm). For more information, please contact Pam Young at DSN 785-5654, ext. 3587, or e-mail [pamela.young@afit.af.mil](mailto:pamela.young@afit.af.mil).

**Hazardous Waste Management and Manifest Refresher Course.** This workshop provides general awareness/familiarization and function-specific training pertaining to the requirements of U.S. Department of Transportation Hazardous Materials Regulations, including identification of proper shipping name; hazard class; and marking, labeling, packaging and placarding requirements. The intent is to fulfill the recurrent training requirements in 40 Code of Federal Regulations (CFR) 172, Subpart H. The course is listed as an approved DoD training course, and is open to all federal agencies. The remaining session date is **1-2 August 2001** in **Omaha, Nebraska**. To reserve a space in a workshop session or to obtain additional information, please contact Joy Rodriguez at (256) 895-7448. For information pertaining to the course, please contact Sandi Zebrowski at (402) 697-2562 or e-mail [sandi.m.zebrowski@usace.army.mil](mailto:sandi.m.zebrowski@usace.army.mil).

**2001 DoD Recycling Workshop.** This workshop, also referred to as the Combined Services Recycling Workshop, will be held **15-18 October 2001** in **Baltimore, Maryland**. The workshop will be held in conjunction with the Solid Waste Association of North America. Abstracts for the workshop must be submitted by 10 December 2000 to Nancy Carper, U.S. Air Force, by e-mailing [nancy.carper@hqafcee.brooks.af.mil](mailto:nancy.carper@hqafcee.brooks.af.mil). She can be reached at DSN 240-4964. Conference information is available at <http://www.afcee.brooks.af.mil/eq/wastecon/wastecon.htm>.

## CONFERENCES AND SEMINARS

**U.S. EPA Region VI Pollution Prevention Conference.** This conference will be held **16 January 2001** in **Dallas, Texas**. For further information, please contact **Eli Martinez, U.S. EPA Region VI**, at (214) 665-2119.

**Kansas Department of Health and Environment Household Hazardous Waste Conference.** This conference will be held **30 January – 1 February 2001** in **Topeka, Kansas**. For more information, please contact **Cathy Colglazier, KDHE, Bureau of Waste Management**, at (785) 291-3510.

**National Pollution Prevention Roundtable.** Learn what's new in the pollution prevention field during this roundtable, which is scheduled for **28 February – 2 March 2001** in **Chicago, Illinois**. Innovative pollution prevention tools, technology, and trainings that promote economic development and reduction of waste will highlight the conference. The conference also will feature tours of local industries that have successfully implemented pollution prevention. A variety of trainings will occur 27 February 2001.

**Kansas Department of Health and Environment Recycling and Composting Works! Conference.**

This conference is being held **20-22 March 2001** in **Hays, Kansas**. The conference theme stresses the importance of partnerships. Training sessions will include beginner and advanced recycling and composting, business and industry waste reduction education, and multi-use site operator training to help workers efficiently operate sites with multiple activities, including landfills, transfer stations, recycling, composting and household hazardous waste facilities. Tentative conference topics include construction and demolition material recycling, green building, partnering, regulatory issues (state solid waste plan, solid waste management plan updates, permits and grants), electronic recycling, and cooperative marketing (with actual regional break out sessions). Composting, wood utilization, recycling and reuse demonstrations also are planned. For more information, please contact **Cathy Colglazier, KDHE, Bureau of Waste Management**, at (785) 291-3510.

**Louisiana Department of Environmental Quality 23d Annual Conference on Waste and the Environment.** LDEQ's 23d Annual Conference on Waste and the Environment is scheduled for **26 March 2001** in **Lafayette, Louisiana**. For more information, please contact **Leslie Garcia, LDEQ**, at (225) 765-0909.

**Unexploded Ordnance/Countermining Forum 2001.** This forum is DoD's Preeminent Conference on Technology, Programs & Partnerships. The theme for the forum, to be held **9-12 April 2001** in **New Orleans, Louisiana**, is "Meeting Transformation Challenges." Participants will have numerous opportunities to network with diverse and international audiences, will be able to hear the perspectives of DoD leaders in the UXO/Countermining arena, will have ample opportunities to market technologies and programs to an interested and focused audience, and will be able to engage in breakouts of the latest technologies. Abstracts were due by 30 November 2000. The exhibit registration deadline is 2 February 2001 and the conference registration deadline is 16 March 2001. The forum web site is at <http://www.denix.osd.mil/TheForum/>. For more information, please contact **Charlotte Galyon** at (888) 808-5303 or e-mail [TheForum@tva.gov](mailto:TheForum@tva.gov).

**Texas Natural Resources Conservation Commission Environmental Trade Fair and Conference.**

This conference is being held **30 April – 2 May 2001** in **Austin, Texas**. For further information, please contact **TNRCC** at (512) 239-3150.

**9th Annual Global Demilitarization Symposium and Exhibition.** The Joint Ordnance Commanders Group and the National Defense Industrial Association will conduct this symposium/exhibition on **14-17 May 2001** in **Reno, Nevada**. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues that affect this business. Participation by industry, academia, government and international personnel is encouraged. Papers and exhibits are solicited for a global exchange of technical information and ideas on demilitarization, disposal, and resource recovery and recycling. The symposium also will provide an Advance Planning Briefing for Industry on the U.S. Government's initiatives in this area. The deadline for abstracts is 15 January 2001. A Program Agenda will be released 9 March 2001. For more information, please contact **Todd Vesely** at (918) 420-8359, fax to (918) 420-8717, or e-mail [vesely@dac-emh2.army.mil](mailto:vesely@dac-emh2.army.mil).

**USAEC Fourth Tri-Service Environmental Technology Symposium.** The central theme of this symposium, to be held **18-20 June 2001** in **San Diego, California**, is "Environmental Technology: Support the Mission, Sustain the Environment." U.S. Army, Navy, Air Force, and DoD personnel, as well as other federal agencies, federal contractors, academia and industry are invited to attend. Abstracts are being accepted until 23 February 2001 that address mature technologies that are either "field ready" or currently being demonstrated and are ready to be fielded to the broader community. The symposium web site is at <http://aec.army.mil/>. For additional information, please contact Jean Thomas, TMC Design Corporation, at (757) 357-4011.

**Kansas Department of Health and Environment 2001 Environmental Conference.** This annual conference will be held **19-20 September 2001** in **Hutchinson, Kansas**.

## FEDERAL ACTIONS

### U.S. EPA FINAL RULES

**Approval and Promulgation of Implementation Plans; Texas; Water Heaters, Small Boilers, and Process Heaters; Agreed Orders; Major Stationary Sources of Nitrogen Oxides in the Beaumont/Port Arthur Ozone Nonattainment Area (65 Federal Register [FR] 64148; 26 October 2000).** The U.S. EPA is taking direct final action on revisions to the Texas State Implementation Plan (SIP). This rulemaking covers four separate actions. First, the U.S. EPA is approving revisions to the Nitrogen Oxides (NOx) SIP to add a rule for water heaters, small boilers, and process heaters sold and installed in Texas (the Texas Water Heater Rule). This rule will contribute to attainment of the 1-hour ozone standard in the Beaumont/Port Arthur (B/PA), Houston/Galveston (H/GA), and Dallas/Fort Worth (D/FW) nonattainment areas and will contribute to continued maintenance of the standard in the rest of Texas. Second, the U.S. EPA is approving revisions to the Texas NOx SIP for certain major stationary point source categories in the B/PA ozone nonattainment area. Third, the agency is approving revisions to the existing approved Texas NOx Reasonably Available Control Technology SIP because the changes are administrative in nature. Finally, the agency is approving two Agreed Orders between the State of Texas and two companies in Northeast Texas. This rule is effective 26 December 2000. For further information, please contact Alan Shar, U.S. EPA at (214) 665-6691.

**Approval and Promulgation of Implementation Plans; State of Missouri (65 FR 64145; 26 October 2000).** The U.S. EPA is taking direct final action in approving an amendment to the Missouri SIP pertaining to a new statewide visible emissions rule, and the rescission of four, old area-specific visible emission rules. The new statewide rule consolidates the requirements of the four old area-specific rules. The rule is effective 26 December 2000. For further information, please contact Wayne Kaiser, U.S. EPA, at (913) 551-7603.

**Approval and Promulgation of Implementation Plans; State of Missouri (65 FR 64156; 26 October 2000).** The U.S. EPA is taking direct final action in approving an amendment to the Missouri SIP pertaining to a revision to a St. Louis city ordinance and to a revision and revocation of three St. Louis city-issued incinerator permits. This rule is effective 26 December 2000. For further information, please contact Wayne Kaiser, U.S. EPA, at (913) 551-7603.

**Approval and Promulgation of Implementation Plans; State of Missouri (65 FR 64158; 26 October 2000).** The U.S. EPA is taking direct final action in approving an amendment to the Missouri SIP pertaining to the state's Submission of Emission Data, Emission Fees, and Process Information Rule. The agency also is approving this rule as it pertains to Missouri's part 70 operating permits program. The EPA is approving the state's request to remove from the SIP the General Organization rule. This rule is effective 26 December 2000. For further information, please contact Wayne Kaiser, U.S. EPA, at (913) 551-7603.

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Landfill Emissions from Municipal Solid Waste Landfills; State of Missouri (65 FR 68904; 15 November 2000).** The U.S. EPA is approving a revision to the State of Missouri's section 111(d) plan for controlling emissions from existing municipal solid waste (MSW) landfills. The plan adopts the revisions to the Federal Emission Guidelines published 16 June 1998 and 24 February 1999. The effective date of this rule is 16 January 2001. For further information, please contact Wayne Kaiser, U.S. EPA, at (913) 551-7603.

## U.S. EPA PROPOSED RULES

**Approval and Promulgation of Implementation Plans; Texas; Electric Generating Facilities; Cement Kilns; and Major Stationary Sources of Nitrogen Oxides for the Dallas/Fort Worth Ozone Nonattainment Area (65 FR 64914; 31 October 2000).** The U.S. EPA is proposing approval of rules into the Texas SIP. This rulemaking covers three separate actions, which include proposing to approve revisions to the Texas NOx rules for major stationary sources in the D/FW 1-hour ozone nonattainment area. The comment period has closed. *For further information, please contact Alan Shar, U.S. EPA, at (214) 665-6691.*

**National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills (65 FR 66672; 7 November 2000).** This action proposed NESHAPs for MSW landfills. The proposed rule is applicable to both major and area landfill sources, and contains the same requirements as the Emission Guidelines and New Source Performance Standards for MSW landfills. The proposed rule adds startup, shutdown, and malfunction requirements, adds operating condition deviations for out-of-bounds monitoring parameters, and changes the reporting frequency for one type of report. Comments must be submitted by 8 January 2001. *For further information, please contact Michele Laur, U.S. EPA, at (919) 541-5256, fax to (919) 541-0246, or e-mail [laur.michele@epa.gov](mailto:laur.michele@epa.gov).*

**Approval and Promulgation of Air Quality State Implementation Plans (SIP); Texas: Control of Gasoline Volatility (65 FR 69720; 20 November 2000).** The U.S. EPA is proposing to fully approve a SIP revision submitted by the State of Texas establishing a low-Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in 95 counties in the eastern and central parts of Texas. Comments may be submitted until 20 December 2000. *For further information, please contact Sandra Rennie, U.S. EPA, at (214) 665-7214.*

## OTHER U.S. EPA REGULATORY ACTIVITY

**Sanitary Sewer Overflows.** White House review of the draft proposed rule to establish a consistent regulatory policy for sanitary sewer overflows is nearly finished and the proposal could be published soon. The Office of Management and Budget will direct the U.S. EPA to include language in the preamble on an alternative control approach for satellite collection systems. The alternative would allow overflows to be treated to reflect best available technology or best control technology instead of requiring secondary treatment, which employs the use of bacteria to digest organic matter in the waste stream.

## U.S. FISH AND WILDLIFE SERVICE REGULATORY ACTIVITY

**Notice to Extend the Public Comment Period for the Technical/Agency Draft Revised Recovery Plan for the Red-Cockaded Woodpecker (*Picoides borealis*) (65 FR 61355; 17 October 2000).** U.S. Fish and Wildlife Service gives notice that the comment period for the Technical/Agency Draft Revised Recovery Plan for the Red-Cockaded Woodpecker will be extended until 13 December 2000. This bird is endemic to the southeastern United States. The red-cockaded woodpecker is found on Camp Blanding (ARNG), Leesburg TS (ARNG), Fort Bragg (FORSCOM), Fort Polk (FORSCOM), Fort Stewart (FORSCOM), Sunny Point (MTMC), Fort Benning (TRADOC), Fort Gordon (TRADOC), and Fort Jackson (TRADOC). It is contiguous to Camp Beauregard (ARNG), Camp Shelby (ARNG) and Fort McClellan (TRADOC). *For further information, please contact Ralph Costa at (864) 656-2432.*

## REGION VI STATE ACTIVITY

### Region VI State Agency Web Sites

Arkansas Department of Environmental Quality	<a href="http://www.adeq.state.ar.us/">http://www.adeq.state.ar.us/</a>
Louisiana Department of Environmental Quality	<a href="http://www.deq.state.la.us/">http://www.deq.state.la.us/</a>
New Mexico Environment Department	<a href="http://www.nmenv.state.nm.us/frhome.html">http://www.nmenv.state.nm.us/frhome.html</a>
Oklahoma Department of Environmental Quality	<a href="http://www.deq.state.ok.us/">http://www.deq.state.ok.us/</a>
Texas Natural Resources Conservation Commission	<a href="http://www.tnrcc.state.tx.us/">http://www.tnrcc.state.tx.us/</a>

**STATE OF ARKANSAS FINAL RULE**

**Regulation for the Fee System for Environmental Permits (Regulation 9).** The Arkansas Department of Environmental Quality adopted an emergency action to change the word "major" back to "minor" in Section 9.605(B). The rule was effective 8 May 2000.

**STATE OF LOUISIANA FINAL RULE**

**Incorporation by Reference Update – New Source Performance (NSP) Standards (Louisiana Administrative Code [LAC] 33:III.3003).** LDEQ has adopted by reference NSP Standards (40 CFR Part 60) for the following test methods: (1) Method 52, Determination of Low Level Particulate Matter from Stationary Sources, and (2) two Test Methods for Velocity for Flow Rates in Stacks and Ducts. The effective date of this rule was 20 November 2000. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

**STATE OF LOUISIANA PROPOSED RULE**

**Waste Tire Revisions (LAC 33:VII.chapter 105).** LDEQ is proposing revisions to rules governing the disposal of waste tires. The rules will clarify definitions, increase the marketing payments to waste tire processors from \$1.00 per 20 pounds of waste tire material to \$1.50, simplify the standards for generators, transporters and recyclers, and implement a fee on off-road tires weighing more than 100 pounds. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

**OTHER REGULATORY ACTIVITY**

**Revision of Endangered Species List.** LDEQ is planning to amend its state endangered and threatened species lists. The following are being considered to be added as endangered: pink mucket, fat pocketbook, pearl darter, dusky gopher frog, black pine snake, and Louisiana pine snake. The following are being considered for redesignation as threatened from endangered: Louisiana pearlshell, brown pelican, bald eagle and peregrine falcon. The following are being considered for redesignation from threatened to endangered: inflated heelsplitter and gopher tortoise. The American burying beetle is being proposed for deletion. A proposal is expected in late 2000 or early 2001. *For more information, please contact Steve Shively, LDEQ, at (225) 765-2820.*

**Solicitation of Comments on Fugitive Emission Reductions of Volatile Organic Compounds (VOCs) for Ozone Control (LAC 33:III.2122).** LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies so that Louisiana can comply with the ozone National Ambient Air Quality Standards (NAAQSs). LDEQ is considering lowering the leak limitations for fugitive emissions of VOCs from 1,000 ppmv to 500 ppmv. LDEQ also is considering statewide applicability of this requirement. LDEQ would like responders to address the following questions: (1) What are the expected environmental benefits and/or disbenefits of the rule options under consideration? (2) What is the potential manufacturing/retrofit/new control equipment costs for the rules under consideration? and (3) What should be the geographic applicability areas for the options under consideration if not statewide? Comments must be received no later than 4:30 p.m. on 15 December 2000. Should LDEQ propose a rule to implement new or revised VOC controls, the public will have an additional opportunity to comment during the rulemaking process. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

**Counsel Comment:** Identification and promulgation of regulations to implement emission reduction control is necessary by 15 August 2001.

**Solicitation of Comments on VOC Emission Reductions as Contingency Measures (LAC 33:III.2104, .2108, .2115).** LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies in addition to contingency measures so that Louisiana can comply with the ozone NAAQS. Specifically, LDEQ is considering (1) lowering the pounds per square inch absolute (psia) of VOC storage tanks, reservoirs or

other containers from 1.5 psia to .75 psia for applicability in LAC 33:III.2104, (2) lowering the psia of marine vapor recovery from 1.5 psia to .75 psia for applicability in LAC 33:III.2108, (3) lowering the potential to emit from 50 tons per year to 25 tons per year for applicability in LAC 33:III.2115, as well as lowering the number of pounds in any continuous 24-hour period from 100 pounds to 50 pounds in LAC 33:III.2115.H.1.c, and (4) adding a degassing or cleaning of stationary marine and transport vessels rule. LDEQ will consider expanding the applicability thresholds either on a regional or statewide basis for these rules. LDEQ would like responders to address the following questions: (1) What are the expected environmental benefits and/or disbenefits of the rule options under consideration? (2) What is the potential manufacturing/retrofit/new control equipment costs for the rules under consideration? and (3) What should be the geographic applicability areas for the options under consideration if not statewide? Comments must be received no later than 4:30 p.m. on 8 January 2001. Should LDEQ propose a rule to implement new or revised VOC controls, the public will have an additional opportunity to comment during the rulemaking process. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

**Counsel Comment:** Identification and promulgation of regulations to implement emission reduction control is necessary by 15 August 2001.

**Solicitation of Comments on Revision of the Major Source Definition for Ozone Control (LAC 33:III.504.Table 1).** LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies so that Louisiana can comply with the ozone NAAQS. LDEQ is considering a revision of the definition of "Major Stationary Source" found at LAC 33:III.504.Table 1. The table would be revised to show Major Stationary Source Threshold Values (tons per year) for VOCs as 25 tons per year for the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge. LDEQ would like responders to address the following questions: (1) What are the expected environmental benefits and/or disbenefits of the rule under consideration? and (2) What is the potential compliance costs for the rule under consideration? Comments must be received no later than 4:30 p.m. on 8 January 2001. Should LDEQ propose a rule to implement new or revised VOC controls, the public will have an additional opportunity to comment during the rulemaking process. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

**Counsel Comment:** Identification and promulgation of regulations to implement emission reduction control is necessary by 15 August 2001.

## NEW MEXICO

## Legislative/Regulatory Activity

There is no State of New Mexico regulatory activity to report for this period.

## OKLAHOMA

## Legislative/Regulatory Activity

There is no State of Oklahoma regulatory activity to report for this period.

## TEXAS

## Legislative/Regulatory Activity

## OTHER REGULATORY ACTIVITY

**Houston-Galveston SIP Revisions.** TNRCC is developing a revision to the SIP, which is the required next step for the Houston-Galveston area to demonstrate attainment with the 1-hour NAAQS for ozone. On 6 December 2000, the executive director's staff will present to the Commission recommended revisions to the various rules and narrative that make up the Attainment Demonstration SIP. As each of the rule packages and the SIP narrative are finalized, copies will be made available at <http://www.tnrcc.state.tx.us/oprd/hgasip.html#table>. TNRCC's recommendation related to low sulfur gasoline (Chapter 114, Control of Air Pollution from Motor Vehicles) is to withdraw the proposal (25 *Texas Register* 8188) based on the timing of the federal low sulfur gasoline regulations. *For more information regarding the low sulfur gasoline rule, please contact Bob Reese, TNRCC, at (512) 239-1439.*

**Industrial Hazardous Waste Recycling Rules (30 Texas Administrative Code [TAC] 335.1, .17, .18, .19, .24).** TNRCC is developing revisions to its industrial hazardous waste recycling units. The revisions will correct inconsistencies between federal and state recycling rules and will add cross-referencing to help identify those parts of the regulations that concern recycling. The revisions also will add criteria under which a nonhazardous waste that is to be recycled via land application can escape regulation as a waste. The rulemaking will expand the number of exemptions from the definition of solid waste currently found in 30 TAC 335.1(119). The amendments would exempt

materials from solid waste regulations if they are recycled by being applied to or placed on the land. Materials must meet eight criteria to be eligible for the exemption. The purpose of the proposal will be to encourage recycling of these materials. A proposal is expected in December 2000. *For more information, please contact Ray Austin, TNRCC, at (512) 239-6814.*

**Review of Application Processing Rules (30 TAC 281).** TNRCC is planning to amend its application processing rules. The goals of the rulemaking are to (1) examine the application processing requirements across media, (2) where appropriate, achieve more consistency across programs, (3) more clearly and consistently address statutory requirements, and (4) make the rules more user friendly and consistent with regulatory reform goals. A proposal is expected in late 2001. *For more information, please contact Cathy Ramirez, TNRCC, at (512) 239-6757.*

Counsel Comment: TNRCC projects that this rule will be effective in mid-2002.

**Municipal Solid Waste Permit Modifications (30 TAC 305).** TNRCC is planning a rulemaking to implement the permit modification process for MSW facilities regulated by the Commission. The rule will allow for a more expeditious processing of permit modifications, update the program to current industry practices, and provide for more public input. A proposal is expected to be published shortly. *For more information, please contact Hector Mendieta, TNRCC, at (512) 239-6694.*

Counsel Comment: The most significant issue in this rulemaking will be to require written notice (and proof of service) to adjacent landowners for all permit modifications. TNRCC projects that this rulemaking will appear in the *Texas Register* in mid-January 2001. The agency projects final adoption in April 2001.

**Design Criteria for Wastewater Treatment (30 TAC 317).** TNRCC is planning to update its guidelines for the design and construction of wastewater treatment facilities to reflect new technological advances. Revisions also will address water reuse projects and provide design guidelines for wastewater treatment facility upgrade projects undertaken to comply with state rules. The Commission is planning to repeal Chapter 323 relating to Waste Disposal Approval, because it no longer has statutory authority for it. A proposal is expected to be published in early 2001. *For more information, please contact Melissa Estes, TNRCC, at (512) 239-3937.*

**Adoption of Federal Military Munitions Rule (30 TAC 335.184).** TNRCC is planning on adopting the federal MMR with modifications. The proposed rule contains a definition of military munitions that clearly includes non-nuclear components of nuclear weapons that must undergo sanitization. Since the concept of returning a component to service after sanitization is implausible, such components are being discarded and become solid wastes. The proposed rule would direct generators to perform a waste determination for all components that are being discarded. Solid waste military munitions that are found to be hazardous must be managed in accordance with the transportation standards of 40 CFR Section 266.203, the emergency response standards of 40 CFR Section 266.204, the storage standards of 40 CFR 266.205, and the treatment and disposal standards of 40 CFR Section 266.206, unless otherwise provided for in state rules. The proposed rule will adopt, unchanged, the federal MMR standards for storage and transportation of military munitions as these standards in the federal MMR formalize correct procedures that have already been implemented in the State of Texas. Because the federal MMR pertaining to emergency response and to treatment and disposal of waste military munitions simply incorporates existing federal regulations, the rule that will be proposed will adopt these federal MMR standards to mirror previous state adoptions of federal regulations. A proposal is expected to be published in December 2000. *For further information, please contact Ray Henry Austin, TNRCC, at (512) 239-6814.*

**Quadrennial Review of Chapter 122, Federal Operating Permits for Air Emissions (30 TAC 122).** TNRCC is conducting a quadrennial review of its rules governing Federal Operating Permits for air emissions (Chapter 122) to determine if the need for the rules continues to exist. Written comments will be accepted until 4 December 2000. *For more information, please contact Jill Burditt, TNRCC, at (512) 239-0560.*

Counsel Comment: TNRCC is conducting its quadrennial review as required by law. This item appeared in the 3 November 2000 *Texas Register*. TNRCC has determined that a need for the rules continues to exist; at this time, the agency is proposing that Chapter 122 be re-adopted as is. Amendments to the current Chapter 122 will be proposed at a later time.

## REGION VII STATE ACTIVITY

### Region VII State Agency Web Sites

Iowa Department of Natural Resources	<a href="http://www.state.ia.us/government/dnr/index.html">http://www.state.ia.us/government/dnr/index.html</a>
Kansas Department of Health and Environment	<a href="http://www.kdhe.state.ks.us/">http://www.kdhe.state.ks.us/</a>
Missouri Department of Natural Resources	<a href="http://www.dnr.state.mo.us/homednr.htm">http://www.dnr.state.mo.us/homednr.htm</a>
Nebraska Department of Environmental Quality	<a href="http://www.deq.state.ne.us/">http://www.deq.state.ne.us/</a>

## IOWA

## Legislative/Regulatory Activity

### STATE OF IOWA PROPOSED RULES

**Water Quality Standards (567 Iowa Administrative Code [IAC] Chapter 61).** IDNR has adopted a rule that revises the ammonia nitrogen criteria for aquatic life protection, modifies the descriptive basis for Class C criteria, and allows for reconsideration of total residual chlorine demand in the mixing zone. The rule also establishes procedures for seasonal ammonia limits, updates the critical low-stream flows referenced in the standards, and modifies the stream-use designations for several water bodies. In addition, the rule updates the aquatic life criteria for aluminum, dieldrin, endrin, lindane, mercury, pentachlorophenol, silver, and toxaphene. The rule took effect 22 November 2000. *For more information, please contact Ralph Turkle, IDNR, at (515) 281-7025.*

**Solid Waste Comprehensive Planning (567 IAC Chapters 101 and 109).** IDNR is proposing to rescind Chapters 101, General Requirements Relating to Solid Waste Management and Disposal, and 109, Fees for Disposal of Solid Waste at Sanitary Landfills, and approve a new Chapter 101, Solid Waste Comprehensive Planning Requirements. The rules will be updated and streamlined. A guidance document, Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems, which provides additional assistance to those filing comprehensive plans, has also been updated. A public hearing will be held 8 December 2000, and comments will be accepted until that date. *For more information, please contact Lavoy Haage, IDNR, at (515) 281-4968.*

REC Comment: Fees will not change as a result of this action.

**Municipal Solid Waste Landfills (567 IAC Chapter 111).** IDNR is proposing to rescind Chapter 111 and adopt a new Chapter 111. The proposed new chapter is a reorganization and amendment of the former chapter. The proposed new chapter requires MSW landfills to set aside funds for closure and post-closure as a primary means of financial assurance and also to implement a secondary financial assurance mechanism when funds are being accumulated. The proposal also adopts procedures for review of financial assurance instruments by the Department. A public hearing will be held 9 January 2001. Written comments are due by that date. IDNR intends this rule to become effective 1 July 2001. For more information, please contact Jon Tack, IDNR, at [jtack1@max.state.ia.us](mailto:jtack1@max.state.ia.us).

### OTHER REGULATORY ACTIVITY

**Review of Title V Fee Structure.** IDNR is reviewing its Title V permit fee structure. The review is examining whether the current fee structure basing Title V fees on dollars/ton of actual emissions is fair and reasonable, or whether another fee structure would be better. The review may result in rulemaking. The Department has created a working group, which has had several meetings and will meet again in January 2001. The group is looking at the effects that possible structures would have on companies. No decisions have been made. IDNR planned to begin a formal rulemaking in Fall or Winter 2000; however, the Department pushed back those plans because of the complexity of the review. The Department is uncertain when rulemaking will begin. *For further information, please contact Doug Campbell, IDNR, at (515) 281-8930.*

Counsel Comment: Current requirements are a fee of \$24 per ton, with a cap of 4000 tons per year. The main "thrust" of this review would be to remove the cap. By removing the cap, the overall amount of the fees (per source) would **decrease**, with smaller sources gaining the most benefit.

**Prevention of Significant Deterioration (PSD) Permit Streamlining.** IDNR is discussing ways to streamline the PSD permit process. PSD requires that any new or expanding facility located in areas not meeting the existing air quality standards are limited in their emissions, and such facilities are often required to install best available technology. A working group is still reviewing the permit process. The Department has discussed streamlining with the U.S. EPA, who was not very receptive to the idea. IDNR does not expect to propose changes until at least May 2001. *For more information, please contact Doug Campbell, IDNR, at (515) 281-8930.*

Counsel Comment: The main issue being discussed is the possible amendment to the requirement for “major additions” and “major modifications” of one year of air monitoring to something less than one year – most likely decreasing the requirement to six months of air monitoring. Generally speaking, under PSD permitting requirements, potential new major additions and modifications, prior to receiving a permit, must demonstrate emissions compliance through monitoring and then computer modeling.

## KANSAS

## Legislative/Regulatory Activity

### OTHER REGULATORY ACTIVITY

#### **Adoption of Federal Resource Conservation and Recovery Act (RCRA) Updates (Kansas**

**Administrative Rules 28-31-3).** KDHE is preparing another package of amendments to its hazardous waste management regulations. The Department will be proposing to adopt by reference federal RCRA amendments promulgated from 1 July 1996 to 30 June 1999, including the Military Munitions Rule, post-closure rules, hazardous waste identification rule for media and phase IV land disposal restrictions (LDRs). The Department has decided to adopt federal regulations promulgated through 1 July 2000, including the MACT rules and hazardous waste lamp rules. The package also will include amendments to hazardous waste permit fees. KDHE expects to propose these amendments, at the earliest, in December 2000. The Department hopes to hold a public hearing in January 2001 and have the amendments in effect by late Spring 2001. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

**Solid Waste Management Plan.** KDHE is proposing new regulations for solid waste management plans. Among the changes is a proposed regulation that would change the procedures that counties could use to measure and develop their recycling programs. The Department completed a preliminary draft in mid-October 2000, which was distributed to committee members and the Secretary of the agency. The Secretary must approve the preliminary draft by the end of the year. The Department is planning to release a final draft for public comment in December 2000, and expects that any change would not be effective until early 2001. *For further information, please contact Kent Forrester, KDHE, at (785) 296-1600.*

**Updates to Acid Rain Rules.** KDHE is preparing to propose amendments to its air rules to adopt federal updates to its Acid Rain provisions. The Department is planning to adopt federal NOx and CAM rules. The Department is drafting the amendments and putting together information for support documents. KDHE hopes to propose amendments by 1 January 2001. *For more information, please contact Ralph Kieffer, KDHE, at (785) 296-6428.*

**Incorporation of Federal Air Rules.** KDHE is planning to adopt federal rules promulgated between 1 July 1998 and 1 July 1999. The adoption would include changes to NSP standards, NESHAPs, and MACT standards. NSP standards include MSW landfills and steam generating units. MACT standards include 17 major source categories. The Department is not sure when a draft will be released for public comment; however, it is expected between December 2000 and Spring 2001. *For more information, please contact Ralph Kieffer, KDHE, at (785) 296-6428.*

REC Comment: Landfill provisions could apply to Fort Riley.

#### **Total Maximum Daily Limits (TMDLs) for Cimarron, Upper Arkansas and Lower Arkansas Basins.**

KDHE has developed TMDLs for the Cimarron and Upper Arkansas basins and is still developing TMDLs for the Lower Arkansas Basin. The major impairments are fecal coliform bacteria for streams and excessive algal production for lakes. Other impairments for streams include ammonia, selenium, dissolved oxygen depletion, boron, chloride, chlordane, fluoride, sulfate, and pH. Other impairments for lakes include chloride, selenium, dissolved oxygen depletion, pH, fecal coliform bacteria, siltation, excessive aquatic plants, and hydrological limitations. Most of the TMDLs were submitted to the U.S. EPA and approved. The Department is still working on TMDLs for the Lower Arkansas Basin and will submit those to the U.S. EPA soon. *For more information, please contact Tom Stiles, KDHE, at (785) 296-6170.*

REC Comment: McConnell Air Force Base is in the Lower Arkansas Basin.

**TMDLs for Missouri and Marais de Cygnes Basins.** KDHE has just begun developing TMDLs for the Missouri and Marais de Cygnes basins. The Department has no timeline for completion. *For more information, please contact Tom Stiles, KDHE, at (785) 296-6170.*

REC Comment: Fort Leavenworth is in the Missouri River Basin in Kansas.

## MISSOURI

## Legislative/Regulatory Activity

### STATE OF MISSOURI PROPOSED RULES

**St. Louis Mobile Source Emissions Budgets.** MDNR is proposing mobile source emissions budgets for conformity purposes for the St. Louis ozone nonattainment area. The proposed VOC budget is 44.53 tons per day. The proposed NOx budget is 99.3 tons per day. MDNR has already held a public hearing. The Air Conservation Committee adopted the budgets at its 21 September 2000 meeting. *For more information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

**Control of Gasoline Reid Vapor Pressure (10 CSR 10-2.330).** MDNR is proposing an amendment to change the RVP of gasoline from 7.2 to 7.0 pounds per square inch (psi) or less and to change the effective dates of compliance from 1 June 1997 – 15 September 1997 to 1 June 2001 – 15 September 2001. The amendment will further reduce evaporative emissions from the use of gasoline in the Kansas City ozone maintenance area. The amendment establishes that MDNR will conduct additional testing to determine compliance when field analysis indicates the RVP is between 7.0 and 7.3 psi for conventional gasoline or between 8.0 and 8.3 for 9 – 10 percent ethyl alcohol blends. If all measured RVP of the samples are above 7.0 and 8.0, the Department may take enforcement action. All documents that accompany a shipment of gasoline must contain a legible and conspicuous statement that the RVP does not exceed 7.0 psi for conventional gasoline or 8.0 psi for 9 – 10 percent ethyl alcohol blends. MDNR will hold a public hearing 7 December 2000. Comments are due by 14 December 2000. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

**Definitions for Hospital, Medical and Infectious Waste (10 CSR 10-6.200).** MDNR is proposing amendments to add additional language to the definitions of “co-fired combustor” and “medical/infectious waste.” For purposes of the definition of “co-fired combustor,” the amendments define “other wastes” as pathological waste, chemotherapeutic waste, and low-level radioactive waste when calculating the percentage of hospital waste and medical/infectious waste combusted. The amendments also clarify that the definition of “medical/infectious waste” does not include hazardous waste identified or listed under the regulations of 40 CFR Part 261; household waste, as defined in 40 CFR 261.4(b)(1); ash from incineration of medical/infectious waste, once the incineration process has been completed; human corpses, remains and anatomical parts that are intended for interment or cremation; and domestic sewage materials identified in 40 CFR 261.4(a)(1). A public hearing will be held 6 February 2001, and comments are due by 13 February 2001. If adopted, the Air Conservation Committee will submit the amendments to the U.S. EPA to replace the current rule in the Missouri SIP. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

## NEBRASKA

## Legislative/Regulatory Activity

### STATE OF NEBRASKA PROPOSED RULES

**Adoption of U.S. EPA 1999 Ammonia Water Quality Standard (Title 117, Chapters 1, 2, 4, 5, 7).** The Nebraska Department of Environmental Quality (NDEQ) adopted amendments to its ammonia criteria and implementation. Chronic ammonia criteria would be dependent on both temperature and pH. The 30-day average criteria would not apply when streamflows are less than 0.1 cubic feet per second or the 30-day 5-year low. The revisions will allow real-time flows from a point source discharge and its receiving stream to be used to determine the critical condition of minimum dilution for the mixing zone, which will allow the Department to write flow variable water quality-based discharge permits if such data are available. The word “un-ionized” is deleted to indicate that the ammonia criteria no longer refer to the un-ionized fraction of ammonia. The Department anticipates that the regulation will ease regulatory burdens. Governor Mike Johanns (R) signed the water quality standards in August

2000. Because the U.S. EPA has not yet approved the standards, they are not yet effective. *For further information, please contact John Bender, NDEQ, at (402) 471-4700.*

**Updates and Corrections to Hazardous Waste Rules (Title 128).** NDEQ is proposing updates to its hazardous waste rules. The updates will make technical amendments and clarifications to the universal waste rule, post-closure rule, organic air emissions standards and Phase IV LDRs. For its oil and grease and non-polar material analysis method rule, the Department will replace freon with hexane and amend the test procedures. The Department also is planning to adopt the federal rules for hazardous waste lamps, HWIR remediation rule, and accumulation time for electroplating sludges (F006). The most recent changes to the hazardous waste rules were effective 27 May 2000. NDEQ will hold a public hearing at the Environmental Quality Council meeting on 8 December 2000. The Department expects the changes to be effective in Summer 2001. *For more information, please contact Mark Podany, NDEQ, at (402) 471-4265.*

**Groundwater Water Standards and Use Classifications (Title 118).** NDEQ is proposing changes to Title 118 so that it can implement detailed investigations and set target cleanup levels for leaking petroleum underground storage tank sites. The proposed changes will enable NDEQ to implement the second phase (Tier 2) of the agency's Risk Based Corrective Action (RBCA) process. The RBCA process has been developed as a means of determining the risk that contamination poses to public health and the environment. The Tier 2 process would be used to assess those sites that ranked high following the initial investigation. Appendix B will be revised to include RBCA Tier 2 requirements. The Department held two public meetings in November 2000 to discuss the proposed changes and seek public comment. The draft changes are expected to go before the Environmental Quality Council at their Spring or Summer quarterly meeting in 2001. *For more information, please contact John Bender, NDEQ, at (402) 471-4700.*

## **OTHER REGULATORY ACTIVITY**

### **Strategic Plan and Guidance for Implementing the Nebraska Nonpoint Source Management**

**Program 2000-2015.** NDEQ is proposing a third update to the Nebraska Nonpoint Source Management Program. The document addresses shortcomings in previous documents and gave due consideration to U.S. EPA recommendations in its 1996 guidance document, "Nonpoint Sources Program and Grants Guidance for Fiscal Year 1997 and Future Years." The document includes plans to (1) implement the Storm Water Management Program as required under the state National Pollutant Discharge Elimination System program (Title 119), looking closely at permit requirements, (2) suggest changes to the Nebraska Sediment and Erosion Control Act to allow more effective control of erosion and sedimentation causing nonpoint source pollution, (3) continue implementing the Nebraska Ground Water Management and Protection Act (Title 196), (4) implement the Nebraska Chemigation Program (Title 195) and issue chemigation permits to protect groundwater, (5) implement provisions of the Nebraska Agricultural Chemical Containment Program (Title 198), (6) implement provisions of the Nebraska Septic Tank Program (Title 124) and improve education and training, (7) conduct hydrogeologic reviews of spill sites, define the Remedial Action Class, set preliminary and final cleanup levels, and implement the Nebraska Leaking Storage Tank Program (Titles 118, 126 and 200), (8) implement the Nebraska Underground Storage Tank Program (Title 159), and (9) develop Pesticide Management Plans as needed for individual compounds and implement statewide groundwater monitoring programs for pesticides. After the document is finalized, NDEQ will submit it to the U.S. EPA for approval. *For more information, please contact Elbert Traylor, NDEQ, at (402) 471-2585.*

**Development of Fecal Coliform TMDLs.** NDEQ is now focusing on nonpoint sources. The parameter of highest concern is fecal coliform. The Department will develop TMDLs for streams and lakes impaired by fecal coliform first. In its 1998 303(d) List, the Department had identified Wagon Train Lake and Olive Creek Lake as water bodies for which TMDLs were scheduled for completion by 2002. However, with new sediment and nutrient controls at the lakes, the Department will place TMDL development on hold to determine if those controls will fix the problem. NDEQ released draft TMDLs for Pawnee Lake in Lancaster County and the West Fork Big Blue River on 8 June 2000. The public comment period has ended. NDEQ planned to submit these TMDLs to the Natural Resource Districts for review on 1 December 2000. The Department is seeking comments from the NRDs because they will implement the final TMDLs. The Department plans to submit the TMDLs to the U.S. EPA on 15 December 2000. *For more information, please contact Pat O'Brien, NDEQ, at (402) 471-2186.*



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